



## ADMINISTRATIVE POLICIES AND PROCEDURES

**Policy ID:** Human Resources  
**Subject:** City of El Paso Sick Leave Policy  
**Creation Date:** April 22, 2010  
**Revision Date:** September 4, 2012  
**Prepared By:** Human Resources Department  
**Approved By:** City Manager  
**Legal Review:** Elizabeth Ruhmann

**DESCRIPTION:** Coding employees with inadequate sick leave balances

### **1. Policy:**

- A. Regular attendance is considered to be an essential function of every City employee's job and employees are expected to report to work as scheduled. While occasional medical appointments and illnesses occur, employees who exhaust their sick leave balances and attempt to use "vacation in lieu of sick" leave or request leave without pay are subject to having their sick leave usage reviewed by the Department Head as described in the City's Investigating Sick Leave Abuse and Overuse Policy, and being required to provide medical certification before available leave granted.
- B. Employees with inadequate sick leave balances will be coded Absent-Without-Leave (AWO); such absences shall be considered unexcused for purposes of potential disciplinary action.
- C. Under certain circumstances employees will be required to report to work in order to meet critical operational needs. Employees that fail to report to work will be coded AWO, even though they may have sufficient sick leave balances to cover the period of time requested.

### **2. Procedures:**

- A. If an employee calls his department and requests to be absent for medical reasons and he has inadequate sick leave balances, the supervisor will deny the request and direct the

employee to report to work at his scheduled time or as soon as possible thereafter. It is the employee's responsibility to be aware of their sick leave balance before making a request to be absent from work. Nothing in this policy will prohibit a department from coding an employee AWO for a portion of a schedule work day and compensating an employee consistent with prevailing wage and hour practices described elsewhere in City policy or rule.

- B. Supervisors are not permitted to allow employees to use vacation leave "in lieu of sick leave". Vacation in lieu of sick leave will only be permitted for employees on a protected leave status such as Family and Medical Leave Act (FMLA) or while absent due to a compensable claim under the Texas Workers Compensation Act. Vacation leave shall be allowed by the department only on a prior scheduled basis. At a minimum, an employee must request vacation in advance equal to the amount of vacation time requested, e.g., one full working day in advance for every one day of vacation leave requested. Under no circumstances will the employee be permitted to use vacation in lieu of sick leave on the same day of the request.
- C. When operationally necessary any employee may be directed to report to work, even though they may have sufficient sick leave balance available. Under these circumstances, if the employee fails to report to work, they will be coded as Absence-Without- Leave (AWO) and will be subject to progressive discipline, up to and including termination.
- D. Employees on AWO status are subject to a review of their work attendance record in accordance with Ordinance 8065, Rule 6, or administrative policy-. Such employees will be required to provide medical documentation for subsequent absences involving the use of sick leave.

### **3. Appeal Procedures:**

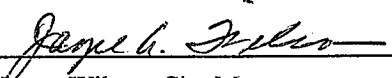
- A. Employees, who believe they were improperly denied leave, may appeal the posting of the AWO pay code to their Department Head in writing within five (5) calendar days from the denial. The employee will be required to provide

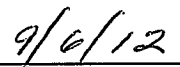
the appropriate medical documentation adequately demonstrating the medical need for the employee's absence from work. The medical documentation must state that the employee was medically required to be absent from work and note the time period. *A medical appointment alone is not adequate to cover the entire day's absence; only the office visit and reasonable travel time will be allotted.* If the employee's appeal is approved, they will be placed on a "Leave-Without-Pay" (LWO) status and if necessary any adjustments to the employee's pay will be made.

- B. If the employee wishes to appeal the Department head's decision, the employee can appeal to the Human Resources Director within five (5) calendar days of the notification of the denial from the Department head on the City's "Employee's Appeal of Sick/Vacation Leave Denial" form. The Human Resources Director will make a final decision and communicate with the employee within ten (10) calendar days of the receipt of the appeal. The decision of the Human Resources Director is final and there are no other appeals.

- 4. Applicability:** This policy supersedes any departmental policy.

**APPROVED BY:**

  
Joyce Wilson, City Manager

  
Date